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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,344	09/16/2003	Norimasa Nagasawa	D-1489	2067
32628	7590	08/17/2004	EXAMINER	
HAUPTMAN KANESAKA BERNER PATENT AGENTS SUITE 300, 1700 DIAGONAL RD ALEXANDRIA, VA 22314-2848			SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/662,344	Applicant(s) NAGASAWA ET AL.	
	Examiner Flemming Saether	Art Unit 3677	<i>MS</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Boik (US 4,504,009). In the embodiment of Fig. 14, Boik discloses a hole plug comprising a head portion (55) and a foot portion extending from the back of said head portion. The foot portion including a plurality of plate members (56) arranged in a cylindrical shape. Each plate member having a step (at 60) at a base (58) close to a head capable of engaging a hole (at 21). There is further provided a column (64) projecting from the back of the head which includes a plurality of supporting means (75) also integral with the back of head for suppressing the plate member from bending.

Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaeger (US 6,319,436). Jaeger discloses a hole plug comprising a head portion (12) and a foot portion extending from the back of said head portion. The foot portion including a plurality of plate members (52) arranged in a cylindrical shape. Each plate member having a step (48) at a base close to a head capable of engaging a hole (not shown). There further being provided a plurality of guide means (60-66) positioned

Art Unit: 3677

between the plate members and extending from the back of head a length longer than the plate members (see Figs. 2 and 3).

Claims 1, 2 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kraus (US 4,761,319). Kraus discloses a hole plug comprising a head portion (4) and a foot portion extending from the back of said head portion. The foot portion including a plurality of plate members arranged in a cylindrical shape. Each plate member having a step (6) at a base (5,7) close to a head capable of engaging a hole (not shown). There is further provided a column (8') projecting from the back of the head which includes a plurality of supporting means (column 5, line 8-12). Kraus further shows the periphery of the head inclined towards the foot (at 10).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boik as applied to claim 1 above, and further in view of Mejlso (US 3,181,411). Boik does not disclose the supporting means being formed as a wavy member. Mejlso discloses a hole plug including a supporting means formed as a wavy (19-20 or 36-38). At the time the invention was made, it would have been obvious for one of ordinary skill

in the art to replace the support means of Boik with a wavy member as disclosed in Mejlso because a wavy member as disclosed in Mejlso would not only provide a means of suppressing the movement of the plate member it would provide support to the plate member for an overall strengthened and thus improved structure. Indeed, for combination to made operable the wavy member would be extending between the column and the plate member and still integrated with the back of the head.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boik as applied to claim 1 above, and further in view of Jaeger (US 6,319,436). Boik discloses the foot portion of the hole plug may be provided with interlaced guide means (28) but, does not disclose the guide means being longer than the plate members. Jaeger disclose a hole plug where as described above, there is provided a guide means (60-66) having a length longer than the plate members (see Figs. 2 and 3). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the guide means of Boik with longer ones as disclosed in Jaeger in order to provide better guidance into the hole.

Claims 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boik in view of Mejlso and Jaeger. In the embodiment of Fig. 14, Boik discloses a hole plug comprising a head portion (55) and a foot portion extending from the back of said head portion. The foot portion including a plurality of plate members (56) arranged in a cylindrical shape. Each plate member having a step (at 60) at a base (58) close to

Art Unit: 3677

a head capable of engaging a hole (at 21). There is further provided a column (64) projecting from the back of the head which includes a plurality of supporting means (75) also integral with the back of head for suppressing the plate member from bending. Boik does not disclose the supporting means being formed as a wavy member. Mejlso discloses a hole plug including a supporting means formed as a wavy (19-20 or 36-38). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the support means of Boik with a wavy member as disclosed in Mejlso because a wavy member as disclosed in Mejlso would not only provide a means of suppressing the movement of the plate member it would provide support to the plate member for an overall strengthened and thus improved structure. Indeed, for combination to made operable the wavy member would be extending between the column and the plate member and still integrated with the back of the head. Modified Boik discloses the foot portion of the hole plug may be provided with interlaced guide means (28) but, does not disclose the guide means being longer than the plate members. Jaeger disclose a hole plug where as described above, there is provided a guide means (60-66) having a length longer than the plate members (see Figs. 2 and 3). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the guide means of Boik with longer ones as disclosed in Jaeger in order to provide better guidance into the hole.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Flemming Saether  
Primary Examiner  
Art Unit 3677